

**Before the
Federal Communications Commission
Washington, D.C.**

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In the Matter of)	
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Promoting Expanded Opportunities for)	ET Docket No. 10-236
Radio Experimentation and Market)	
Trials under Part 5 of the Commission's)	
Rules and Streamlining Other)	
Related Rules)	
)	
2006 Biennial Review of)	ET Docket No. 06-105
Telecommunications Regulations --)	
Part 2 Administered by the Office of)	
Engineering and Technology (OET))	
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COMMENTS OF TECHAMERICA

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TechAmerica hereby submits these comments to the Federal Communications Commission (“Commission”) in regard to the Commission’s Notice of Proposed Rulemaking (“NPRM”) addressing Part 5 Experimental Radio Service (“ERS”).¹ TechAmerica’s members play an active role in the development and deployment of a wide-range of innovative technologies. TechAmerica is pleased to be able to file comments on their behalf in this proceeding.

TechAmerica is the leading voice for the U.S. technology industry, which is the driving force behind productivity growth and jobs creation in the United States and the foundation for the global innovation economy. Representing approximately 1,200 member companies of all sizes from the public and commercial sectors of the economy, TechAmerica is the industry’s largest advocacy organization and is dedicated to helping members’ top and bottom lines. It is also the technology industry’s only grassroots-to-global advocacy network, with offices in state capitals around the United States, Washington, D.C., Europe (Brussels) and Asia (Beijing).

Representing all sectors of the information technology industry, TechAmerica has a broad and diverse membership. TechAmerica’s members include, for example: (a) manufacturers and suppliers of broadband networks and equipment; (b) consumer electronics companies; (c) information and communications technology hardware companies; (d) software and application providers; (e) systems integrators; (f) Internet and e-commerce companies; (g) Internet service providers; (h) information technology

¹*Promoting Expanded Opportunities for Radio Experimentation and Market Trials under Part 5 of the Commission’s Rules and Streamlining Other Related Rules*, Notice of Proposed Rulemaking, 76 FED. REG. 6928 (Feb. 8, 2011) (Part 5 ERS NPRM).

government contractors; (i) information technology consulting and sourcing companies; and (j) information technology security companies.

Introduction

TechAmerica knows well the benefits derived from the Commission's Part 5 ERS rules. Since their inception, the ERS rules have spurred tremendous technological innovation in the IT sector as a whole.

TechAmerica applauds the Commission's reform proposals as a way to accelerate the rate at which innovative ideas utilizing spectrum come to fruition. Specifically, the Commission's proposed program experimental licenses and streamlined rules to facilitate product development, including an increase in the importation limit of unlicensed RF devices, are welcome changes that will help to ensure the U.S. remains at the forefront of technological innovation worldwide.

Program Experimental Radio Licenses

The Commission proposes to make a carefully restricted set of locations available for a range of experimentation in order to create "havens for enterprise and innovation."² TechAmerica agrees with the Commission that these new program experimental radio licenses can foster "robust levels of experimentation."³

TechAmerica believes that the Commission's proposed limitations and requirements, such as ensuring that the proper technical credentials are held by each licensee and that interference is minimized, are appropriate and will not unnecessarily hinder experimentation. Further, TechAmerica supports the Commission's efforts to

² Part 5 ERS NPRM at 6933.

³ Id. at 6934.

allow for wide-scale experimentation of unlicensed spectrum in certain geographic areas, provided that spectrum can be re-auctioned prior to the expiration of the program experimental license term. This proposal will ensure that spectrum is utilized to its fullest capacity, as the market dictates.

TechAmerica also supports the Commission's proposal that program experimental licenses be granted for five years with opportunities for license renewals. This timeframe will allow for comprehensive experimentation and "minimize administrative burdens."⁴

However, with regard to the "research program experimental license," TechAmerica prefers that the Commission allow commercial research laboratories that "have defined campus settings and institutional processes to...effectively manage a wide variety of research projects"⁵ to utilize the license. Indeed, commercial entities are equally capable as universities and non-profit research organizations to manage wireless experimentation on a non-interference basis. And commercial technology developers, just as universities and non-profit research institutions, invest a great deal of money into wireless R&D and are responsible for many of the innovative technologies that facilitate the mobile broadband explosion.

Alternatively, the Commission should allow commercial organizations that occupy a campus-like location to take advantage of the proposed "innovation zone" experimental license to allow research, development, and testing of new wireless technologies on the commercial organization's campus. These campus-like

⁴ Id. at 6934.

⁵ Id. at 6930.

environments have served as successful incubators for wireless technologies and will sufficiently protect against interference concerns.

Broadening Opportunities for Market Trials

TechAmerica fully supports the Commission's efforts to "bring more clarity" to its RF device marketing and operating rules and its efforts to "relax the conditions under which market trials can be conducted."⁶

The Commission's proposal to simplify its rules to allow for product development trials and market trials will facilitate greater innovation and eventual deployment of cutting-edge technologies.

Specifically, the Commission's proposed market trial rules, by virtue of granting experimental authorizations to a broad array of eligible entities and multiple licenses to parties engaged in the same market trial, will more efficiently ensure that new devices are thoroughly tested and operational prior to commercial launch. By enabling all interested parties to test a device in conjunction with one another, the Commission significantly reduces the administrative burden currently imposed upon industry participants, thus potentially allowing innovative consumer devices to reach the marketplace more quickly than before.

Additionally, as the Commission recognizes in its NPRM, domestic market trials are unnecessarily inhibited by the current import restrictions on RF devices that do not require an individual station license.⁷ TechAmerica supports the Commission's recommendation that the current importation limit of 200 devices be increased to 1200

⁶ Id. at 6936.

⁷ Id. at 6937-38.

units for product development and testing and evaluation purposes. This change will further reduce the burden on companies that have product development programs within the U.S., but utilize prototypes manufactured abroad.

Conclusion

TechAmerica applauds the Commission's efforts to streamline its Part 5 ERS rules. The proposed changes will enable greater and more efficient innovation, provided commercial organizations are afforded an opportunity to utilize a program experimental license on their campuses. TechAmerica looks forward to working with the Commission as it implements these proposed changes in the future.